

to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and Notarial seal the day and year last above written.

(Notarial Seal)

C.A. Appelgren

My Commission expires June 11, 1916.

Notary Public for Oregon residing at Portland.

Filed for record by C.A. Appelgren on August 4, 1914 at 10:30 A.M.

Co. Auditor.

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR THE COUNTY OF SKAMANIA.

SPOKANE, PORTLAND AND SEATTLE
RAILWAY COMPANY, A corporation,

Petitioner,

-vs-

PORTLAND RAILWAY, LIGHT AND POWER
COMPANY, a corporation; THE TRUST
COMPANY OF NORTH AMERICA, a cor-
poration; THE NEW YORK TRUST COMPANY,
a corporation, and THE FIDELITY
TRUST COMPANY, a corporation,
Claimants.

Now, at this time and pursuant to the stipulation signed by the petitioner and all of the claimants herein, this matter having been submitted to the court sitting without a jury for the purpose of determining the damages for the taking and injuriously affecting the land, real estate and premises described in the amended petition, and it appearing that the petitioner has stipulated and agreed that in the final order of judgment and condemnation the following rights shall be reserved by the claimants, to-wit:

1. Claimants shall have the right to require the railway company within sixty (60) days from the date of this stipulation to place through its railway grade a thirty-six (36) inch pipe for the use of claimants or any of them, in carrying, maintaining and operating a flume for wood and lumber through said railway grade; said pipe to be laid upon such grade and to be not less than three feet below the surface of the railroad tracks and at such point on the lands herein described as may be designated by the claimants or any of them in writing.

2. When the county road which now crosses the property described in this stipulation, and runs to what is now known as Drano landing shall be closed, the petitioner will provide a suitable crossing large enough for the use of teams under or over its railroad track which may be used by the claimants to enable them to reach the river at a point in the vicinity of station number 963 of the railway survey of petitioner, and such crossing shall be so constructed that the grade on either side of the railway shall not exceed six per cent.

3. In case the claimants or any of them shall locate a power or generating plant in the vicinity of lot five (5) section twenty-five (25) township three (3) north, range nine (9) east, Willamette Meridian, the railway company will permit claimants or either of them to discharge water across said lot five (5) into the Columbia river, through and under the present trestle of the petitioner, and if at any time the trestle is filled the petitioner will provide at its cost and expense pipes or culverts under and at the bottom of said fill and across the tracks of the petitioner, having a total or combined cross section of discharge of at least twenty-four (24) square feet provided that at or prior to such time as